

**REMARKS**

The Office Action dated September 18, 2007 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

In accordance with the foregoing, claims 1-20 and 27-30 have been amended to improve clarity of the features recited therein. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-30 are pending and under consideration.

**REJECTION UNDER 35 U.S.C. § 102:**

*Claims 1-30 were rejected under 35 U.S.C. §102(e) as being anticipated by Galand et al. (U.S. Patent No. 6,424,624 – hereinafter Galand). The Office Action took the position that Galand discloses all the aspects of independent claims 1, 11, 24, 27, and 29. The rejection is traversed and reconsideration is requested.*

Independent claim 1, upon which claims 2-10 are dependent, recites a method of managing flow of datagram traffic. The method includes providing a first networked device that is operably connected to a second networked device, and transferring datagrams from a first port of the first device to a first port of the second device using a pathway that is operably connected to a second port of the first device and a second port of the second device. The method further selectively pauses an individual port on the first device that is causing over-subscription of the first port of the second device.

Independent claim 11, upon which claims 12-20 are dependent, recites a method of managing flow of datagram traffic. The method includes providing a first networked device that is operably connected to a second networked device, and transferring datagrams from a first port of the first device to a first port of the second device using a pathway that is operably connected to a second port of the first device and a second port of the second device. The method further signals the first port of the first device to send fewer datagrams to the first port of the second device when an over-subscription is detected at the first port of the second device.

Independent claim 21, upon which claims 22-23 are dependent, recites a communications system including a first data distribution means operably connected to a second data distribution means, and a first communications means for transferring datagrams from a first port of the first data distribution means to a first port of the second data distribution means. The system also includes control means for selectively pausing individual ports that are causing over-subscription of the first port of the second data distribution means.

Independent claim 24, upon which claims 25-26 are dependent, recites a communications system including a first data distribution means operably connected to a second data distribution means for distributing datagrams over a network, and communications means for transferring the datagrams from a first port of the first data distribution means to a first port of the second data distribution means. The system also includes control means for signaling the first port of the first data distribution means to

send fewer datagrams to the first port of the second data distribution means when an over-subscription is detected at the first port of the second data distribution means.

Independent claim 27, upon which claim 28 is dependent, recites a communications system including a first device operably connected to a second device, and a first controller configured to transfer datagrams from a first port of the first device to a first port of the second device. The system includes a second controller configured to selectively pause individual ports in the first device that are contributing to over-subscription of the first port of the second device.

Independent claim 29, upon which claim 30 is dependent, recites a communications system including a first device operably connected to a second device, and a first controller configured to transfer datagrams from a first port of the first device to a first port of the second device. The system also includes a second controller configured to signal the first port of the first device to send fewer datagrams to the second port of the second device when an over-subscription is detected at the second port of the second device.

As will be discussed below, Galand fails to disclose or suggest the elements of any of the presently pending claims.

Galand generally describes a system to perform congestion detection and flow control in high speed digital packet switching network (22) carrying discardable and non-discardable traffic. If a congestion-indicating bit is detected in a received packet, a backward congestion indicator is set in packets flowing from the destination system to

the source system over a second connection. The source system integrates the number of backward congestion indicators received over successive periods of time using a count-up, count-down counter. Specific congestion control actions are taken at the source system as a function of the counter state at the end of each of the successive periods of time. The congestion control actions may include increasing or decreasing the bandwidth allocated to discardable traffic intended to be delivered over the first connection.

However, Galand fails to teach or suggest, at least, “transferring datagrams from a first port of the first device to a first port of the second device **using a pathway that is operably connected to a second port of the first device and a second port of the second device**,” as recited in independent claims 1 and 11. (Emphasis added) Rather, Galand provides that the network includes an entry access node/port 23 through which the source user 20 is attached to the network 22, while the destination user 21 is attached not the network 22 via exit access node/port 24. See column 6, lines 27-38. In Galand, a forward path is established via transit nodes 25 and 26 and a return path (arrow 27) is established between user 21 and user 20 through a series of transit nodes (not shown). Therefore, forward path and a return path are established in Galand. However, Galand does not teach or suggest that a pathway is used that is operably connected to a second port of the user 20 and a second port of the user 21. Neither the forward path nor the return path of Galand are configured as the pathway recited in independent claims 1 and 11.

Furthermore, Galand fails to teach or suggest, at least, “selectively pausing an individual port on the first device that is causing over-subscription of the first port of the second device,” as recited in independent claim 1. Instead, Galand provides a predefined flow control action in which the transmission rate is dropped on the congested path in a single large step and then enable slowly going back to full rate step by step. Rather than selectively pausing an individual port on the user 20 that is causing over-subscription of the first port of the user 21, Galand provides in column 8, lines 18-25, that in the preferred mode of implementation, the action to be taken upon reception of a packet indicating congestion, i.e with the RCI (BECN) bit set (i.e at binary level “1”), is based **on an additive increase and a multiplicative decrease of the considered sending rate**, and this control action is performed in the entry node 23 directly under network control rather than source control, therefore neutralizing any burden due to a misbehaving source user. (Emphasis added) Therefore, rather than selectively pausing an individual port on the user 20, Galand performs an additive increase or a multiplicative decrease of the sending rate of the packets.

Accordingly, in view of the above, Galand fails to teach or suggest all the features recited in independent claims 1 and 11, and related dependent claims 2-10 and 12-20.

Because independent claims 21, 24, 27, and 29 includes similar claim features as those recited in independent claims 1 and 11, although of different scope, and because the Office Action refers to similar portions of the cited references to reject independent claims 1 and 11, the arguments presented above supporting the patentability of

independent claims 1 and 11 are incorporated herein to support the patentability of independent claims 21, 24, 27, and 29.

In view of the above, it is respectfully requested that independent claims 1, 11, 21, 24, 27, and 29 and related dependent claims be allowed.

**CONCLUSION:**

In view of the above, Applicant respectfully submits that the claimed invention recites subject matter which is neither disclosed nor suggested in the cited prior art. Applicant further submits that the subject matter is more than sufficient to render the claimed invention unobvious to a person of skill in the art. Applicant therefore respectfully requests that each of claims 1-30 be found allowable and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the Applicant respectfully petitions for an appropriate extension of time.

Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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